

ESTTA Tracking number: **ESTTA419647**

Filing date: **07/13/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Financial Industry Regulatory Authority, Inc.
Granted to Date of previous extension	07/13/2011
Address	1735 K Street NW Washington, DC 20006 UNITED STATES
Attorney information	Carla B. Oakley Morgan, Lewis & Bockius LLP One Market Street, Spear Tower San Francisco, CA 94105 UNITED STATES coakley@morganlewis.com Phone:415-442-1301

Applicant Information

Application No	77902451	Publication date	03/15/2011
Opposition Filing Date	07/13/2011	Opposition Period Ends	07/13/2011
Applicant	ChristianSteven Software Ltd. Suite 300 10130 Mallard Creek Rd. Charlotte, NC 28262 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2002/09/06 First Use In Commerce: 2002/10/23

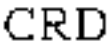
All goods and services in the class are opposed, namely: Computer software for providing an on-line database to upload business data, provide statistical analysis, and produce notifications and distribution of reports; Computer software for distribution of automated reports that may be downloaded from a global computer network; Computer software for application and database integration; Computer software used with business intelligence applications to design and generate automated reports for use in operating a business

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2445987	Application Date	11/24/1999
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Registration Date	04/24/2001	Foreign Priority Date	NONE
Word Mark	CRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1981/01/01 First Use In Commerce: 1981/01/01 Computer software to access a global computer network containing employment and disciplinary information of professionals in the securities industry</p> <p>Class 016. First use: First Use: 1981/01/01 First Use In Commerce: 1981/01/01 Paper goods and printed materials, namely, instructional manuals, magazines, pamphlets, newsletters, brochures, and leaflets regarding a database containing employment and disciplinary information of professionals in the securities industry</p> <p>Class 035. First use: First Use: 1981/01/01 First Use In Commerce: 1981/01/01 Business services, namely, providing an on-line database featuring employment and disciplinary information on professionals in the securities industry</p>		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CRD		
Goods/Services	<p>Providing a website for member firms and individuals to submit and update employment, address, contact and registration information, and to manage electronic mail queues, alerts and notifications regarding registration related conditions and changes to registration requirements; for providing an online database of information regarding registration requirements and for tracking with which regulator firms and branch offices are registered; for providing a website for online registration and registration renewals for member firms and individuals; for providing a website for member firms and individuals to pay their registration and renewal fees, track payment of fees and prepare reports regarding fees paid and payment deadlines; for providing a website for member firms and individuals to track continuing education requirements and compliance, and to prepare reports regarding compliance with continuing education requirements; and for providing electronic notifications to member firms regarding compliance with education requirements.</p>		

Attachments	75856925#TMSN.gif (1 page)(bytes) Notice of Opposition (Ex A) Serial No 77902451.PDF (10 pages)(196508 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/CBO/
Name	Carla B. Oakley
Date	07/13/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 77/902,451

Filed December 29, 2009

For the mark **CRD (and Design)**

Published in the OFFICIAL GAZETTE on March 15, 2011

Financial Industry Regulatory Authority, Inc.,

Opposer,

v.

ChristianSteven Software Ltd. aka ChristianStevens,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Financial Industry Regulatory Authority, Inc. (“FINRA”), a Delaware not-for-profit corporation, having its principal place of business at 1735 K Street NW, Washington, DC 20006, believes that it will be damaged by the application to register CRD (and Design), filed by ChristianSteven Software Ltd. aka ChristianStevens (“Applicant”), Serial No. 77/902,451 (the “Application”), and hereby opposes the same.

As grounds for the opposition, FINRA alleges as follows:

1. FINRA is a not-for-profit corporation that is a self-regulatory organization (“SRO”) registered with the Securities Exchange Commission as a national securities association pursuant to federal law. As an SRO, FINRA is involved in the regulation of securities markets, brokerage firms and individual brokers. There are about 4,540 FINRA member firms and 631,725 brokers. FINRA develops rules and regulations, and designs and operates marketplace services and facilities for use by investment brokerage firms and their employees, and also for use by investors. For more than two decades, FINRA has used its mark CRD[®] in connection

with certain software, printed materials and an on-line database featuring information on professionals in the securities industry.

2. FINRA owns a federal trademark registration for its CRD[®] mark, Reg. No. 2445987, for “computer software to access a global computer network containing employment and disciplinary information of professionals in the securities industry,” in Class 9, “paper goods and printed materials, namely, instructional manuals, magazines, pamphlets, newsletters, brochures, and leaflets regarding a database containing employment and disciplinary information of professionals in the securities industry,” in Class 16, and “business services, namely, providing an on-line database featuring employment and disciplinary information on professionals in the securities industry,” in Class 35. FINRA’s CRD[®] mark has been registered since April 24, 2001, and has become incontestable through its use for more than five consecutive years and the filing, acceptance and acknowledgement of its Sections 8 and 15 affidavits. The registration was renewed on March 23, 2011. As stated in its registration, FINRA has used its CRD[®] mark since at least as early as January 1, 1981. A true and correct copy of the TARR printout page for this registration from the USPTO web site is attached hereto as Exhibit A.

3. In addition to the products and services identified in its incontestable registration, FINRA has used its CRD mark for a variety of related products and services, including for providing a website for member firms and individuals to submit and update employment, address, contact and registration information, and to manage electronic mail queues, alerts and notifications regarding registration related conditions and changes to registration requirements; for providing an online database of information regarding registration requirements and for tracking with which regulator firms and branch offices are registered; for providing a website for online registration and registration renewals for member firms and individuals; for providing a website for member firms and individuals to pay their registration and renewal fees, track

payment of fees and prepare reports regarding fees paid and payment deadlines; for providing a website for member firms and individuals to track continuing education requirements and compliance, and to prepare reports regarding compliance with continuing education requirements; and for providing electronic notifications to member firms regarding compliance with education requirements.

4. Through FINRA's continuous and extensive use of its CRD mark for two decades for the products and services identified above, FINRA's CRD mark has become identified exclusively with FINRA, FINRA has developed substantial goodwill in its CRD mark and its CRD mark has become famous.

5. By Application Serial No. 77/902,451, Applicant seeks to register CRD (and Design) in International Class 9 for "computer software for providing an on-line database to upload business data, provide statistical analysis, and produce notifications and distribution of reports; computer software for distribution of automated reports that may be downloaded from a global computer network; computer software for application and database integration; computer software used with business intelligence applications to design and generate automated reports for use in operating a business."

6. Applicant filed its application to register CRD (and Design) on December 29, 2009, claiming a first use date in commerce of October 23, 2002. Both dates fall well after FINRA began using its CRD[®] mark, after FINRA's CRD mark became famous and well-known, and after FINRA sought and received a federal trademark registration for its CRD[®] mark. Applicant filed its application to register CRD (and Design) years after FINRA's registration for its CRD became incontestable.

7. The CRD (and Design) designation in Application Serial No. 77/902,451 incorporates entirely FINRA's CRD mark, with only the addition of a separate design that is off

to the side of – and not integrated with – the text portion of the mark. Thus, the designation is nearly identical to or at least similar in sight, sound and meaning to FINRA’s CRD[®] mark.

8. FINRA has not authorized Applicant’s use of the CRD (and Design) designation, nor the Application.

9. FINRA is informed and believes, and on that basis alleges that the software identified in Applicant’s CRD (and Design) Application are or would be competitive, closely related to and/or complementary with the products and services FINRA promotes and sells under its CRD mark, such that purchasers and prospective purchasers would believe that Applicant’s CRD (and Design) software emanates from FINRA or is sponsored or endorsed by FINRA, when it is not, or that there is an affiliation between FINRA and Applicant, when there is not.

10. Since the applied-for designation incorporates entirely FINRA’s CRD mark, and since Applicant uses or intends to use CRD (and Design) for closely related or complementary products, offered or to be offered through overlapping channels to at least some of the same type of purchasers and consumers, Applicant’s proposed designation is likely to cause confusion, or to cause mistake, or to deceive or disparage, by falsely suggesting a connection with or otherwise damaging FINRA. Applicant’s proposed designation also is likely to cause dilution of FINRA’s famous CRD mark.


11. For each of the above reasons, the Application for CRD (and Design) should be rejected under the Lanham Act, 15 U.S.C. § 1052(d).

12. For each of the above reasons, the Application for CRD (and Design) should be rejected under the Lanham Act, 15 U.S.C. § 1063.

WHEREFORE, FINRA prays that Application Serial No. 77/902,451 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of FINRA.

Dated: July 13, 2011

Respectfully submitted,

By: 
Carla B. Oakley
Attorney for Financial Industry Regulatory
Authority, Inc.

Carla B. Oakley
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CERTIFICATE OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, San Francisco, CA 94105.

On **July 13, 2011**, I served the within document(s):


NOTICE OF OPPOSITION with Exhibit A (Serial No. 77902451)



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at **San Francisco**, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BARTINA L. EDWARDS
THE LAW OFFICE OF BARTINA L. EDWARDS
10130 MALLARD CREEK RD STE 300
CHARLOTTE, NC 28262-6001**

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on **July 13, 2011**, at San Francisco, California.



Kristen Kern

EXHIBIT A

**to NOTICE OF OPPOSITION
(Application Serial No. 77/902,451)**

***FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC. v.
CHRISTIANSTEVEN SOFTWARE LTD. aka CHRISTIANSTEVENS***

Serial No. 77/902,451

Submitted by Financial Industry Regulatory Authority, Inc. (Opposer)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-07-12 21:33:46 ET

Serial Number: 75856925 Assignment Information Trademark Document Retrieval

Registration Number: 2445987

Mark (words only): CRD

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2011-03-23

Filing Date: 1999-11-24

Transformed into a National Application: No

Registration Date: 2001-04-24

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2011-03-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

Address:

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

1735 K STREET, N.W.

WASHINGTON, DC 20006

United States

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer software to access a global computer network containing employment and disciplinary information of professionals in the securities industry

Basis: 1(a)

First Use Date: 1981-01-01

First Use in Commerce Date: 1981-01-01

International Class: 016

Class Status: Active

Paper goods and printed materials, namely, instructional manuals, magazines, pamphlets, newsletters, brochures, and leaflets regarding a database containing employment and disciplinary information of professionals in the securities industry

Basis: 1(a)

First Use Date: 1981-01-01

First Use in Commerce Date: 1981-01-01

International Class: 035

Class Status: Active

Business services, namely, providing an on-line database featuring employment and disciplinary information on professionals in the securities industry

Basis: 1(a)

First Use Date: 1981-01-01

First Use in Commerce Date: 1981-01-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-23 - First renewal 10 year

2011-03-23 - Section 8 (10-year) accepted/ Section 9 granted

2011-03-22 - TEAS Section 8 & 9 Received

2007-08-29 - Automatic Update Of Assignment Of Ownership

2007-05-16 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-05-15 - Assigned To Paralegal

2007-04-18 - Section 8 (6-year) and Section 15 Filed

2007-04-18 - TEAS Section 8 & 15 Received
2006-11-03 - Case File In TICSRS
2001-04-24 - Registered - Principal Register
2001-01-30 - Published for opposition
2000-12-29 - Notice of publication
2000-11-10 - Approved for Pub - Principal Register (Initial exam)
2000-10-10 - Communication received from applicant
2000-04-12 - Non-final action mailed
2000-04-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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